

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JIMMY D. DAVIS JR., JD DAVIS	:	
ENTERPRISES LLC DBA JD DAVIS FUNERAL	:	
HOME, AND JD DAVIS ENTERPRISES	:	
DBA JD DAVIS FUNERAL HOME,	:	ORDER0008978
RESPONDENTS.	:	

Division of Legal Services and Compliance Case Nos. 19 FDR 009, 19 FDR 020, 19 FDR 021,
20 FDR 006, 20 FDR 007, 20 FDR 011, 21 FDR 014, 22 FDR 009 and 22 FDR 010

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Jimmy D. Davis Jr.
A.K.A. JD Davis
Milwaukee, WI 53210

JD Davis Enterprises LLC DBA JD Davis Funeral Home
Milwaukee, WI 53210

JD Davis Enterprises DBA JD Davis Funeral Home
Milwaukee, WI 53216

Wisconsin Funeral Directors Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Funeral Directors Examining Board (Board) on August 3, 2023. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jimmy D. Davis Jr. (Davis) (Birth Year 1982) was licensed by the State of Wisconsin as a funeral director apprentice, having license number 5543-700, first issued on February 6, 2020 and scheduled to expire on December 31, 2020. Respondent timely filed an application for renewal of this license in November 2020. Pursuant to Wis. Stat. § 227.51(2), the license remained active until the Department acted upon the renewal. On January 15, 2021, Respondent was notified that his renewal would be denied due to tax delinquency and that he had 30 days to appeal the certification of tax delinquency with the Department of Revenue. On August 20, 2021, Respondent's license renewal denial was entered into the Department's Integrated Credentialing and Enforcement database.

2. Respondent Davis's most recent address on file with the Department is in Milwaukee, Wisconsin 53210.

3. Respondent JD Davis Enterprises LLC DBA JD Davis Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 2653-78, first issued on November 19, 2014, and suspended as of August 19, 2021. Respondent's most recent address on file with the Department is 4803 W. Burleigh Street, Milwaukee, Wisconsin 53210.

4. Respondent JD Davis Enterprises DBA JD Davis Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 2757-78, first issued on February 12, 2020 and held in inactive status since March 8, 2022. Respondent's most recent address on file with the Department is 6709 West Capitol Drive, Milwaukee, Wisconsin 53216.

5. Respondent Davis is the owner of Respondent JD Davis Enterprises LLC DBA JD Davis Funeral Home (Burleigh Street) and Respondent JD Davis Enterprises DBA JD Davis Funeral Home (Capitol Drive).

6. On November 17, 2020, the Board suspended the JD Davis Funeral Home (Burleigh Street) funeral establishment permit (no. 2653-78) for thirty days (November 17, 2020 Order). This suspension was stayed. The JD Davis Funeral Home (Burleigh Street) funeral establishment permit was further limited to require submission of quarterly reports to monitor the funeral services at this location. Costs were also assessed.

7. On August 19, 2021, the Board suspended the JD Davis Funeral Home (Burleigh Street) funeral establishment permit (2653-78) for failure to comply with the November 17, 2020 Order's quarterly reports and payment of costs.

8. Between December 16, 2021 and February 8, 2022, the license of the funeral director in charge of Respondents JD Davis Funeral Homes (Burleigh Street and Capital Drive) was expired. During that period at least 19 funerals services were provided at the Capitol Drive location. Respondent Davis asserts that he believed at the time that the funeral director in charge of Respondents JD Davis Funeral Homes had a license in good standing.

9. On March 8, 2022, the Department placed the JD Davis Funeral Home (Capitol Drive) funeral establishment permit (no. 2757-78) in inactive status due to the licensed funeral director in charge leaving this establishment.

10. On February 28, 2022, Respondent Davis informed the Department that M.T., a licensed funeral director, was actively assisting JD Davis Funeral Home.

11. On March 11, 2022, the Department received a change of Funeral Director in Charge form for JD Davis Funeral Home (Capitol Drive). This form was signed by M.T., licensed funeral director. The Department emailed M.T. to confirm his employment at other funeral homes, and to ensure the requirements of a funeral director in charge were met. On March 18, 2022, M.T. told the Department that he never signed the Funeral Director in Charge form or submitted it to the Department and that Respondent Davis did this without his knowledge. On March 22, 2022, M.T. verified that it was not his signature on the form submitted. Respondent Davis asserts that M.T. gave Respondent Davis express permission to sign M.T.'s name on M.T.'s behalf.

12. Respondent Davis has held himself out on his website as a funeral director. This was observed by the Department on numerous occasions, and screenshot documentation was made on February 25, 2022. Respondent Davis continued to advertise for funeral services despite not having an active funeral establishment permit or any qualifying credentials.

13. On March 24, 2022, Respondent Davis informed the Department that JD Davis Funeral Home (Capitol Drive) location was also being used by a church named "He That Believeth Outreach Church and Ministries." According to the Department of Financial Institutions, Respondent Davis is the registered agent and organizer of the Church. This church was organized under the Department of Financial Institutions on July 1, 2021. Respondent Davis asserts that he is not and was not the "operator" of the Church as that term is used in Wis. Stat. § 445.105(2m)(d). Respondent Davis also asserts that JD Davis Funeral Home (Capitol Drive)'s facilities are no longer being used by the Church.

14. On February 2, 2023, Respondent Davis pled guilty to one count of Theft in a Business Setting >\$10,000, a class G felony, in violation of Wis. Stat. § 943.20(1)(b), in Milwaukee County Circuit Case Number 21 CF 3761. He also pled guilty to Misappropriate ID Info – Obtain Money and Felony Bail Jumping, both Class H felonies, in violation of Wis. Stat. §§ 943.201(2)(a) and 946.49(1)(b), respectively, in Milwaukee County Circuit Court Case Number 22 CF 3342.

15. On April 10, 2023, the Court sentenced Respondent Davis to confinement, but stayed the sentence and placed Respondent on probation for 4 years. As conditions of probation, Respondent was ordered to serve 90 days in jail, complete 200 hours of community service outside of a church or funeral business, and pay \$15,419.05 in restitution. If he does not pay the restitution within one year, he must serve an additional 9 months in jail. Respondent was also prohibited from taking or transporting a deceased human body or human body parts, or from performing or communicating any work that involves deceased humans.

19 FDR 009

16. On March 19, 2019, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Burleigh Street) did not send payment for shipping a deceased to Milwaukee from Las Vegas in July 2018. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 FDR 009 for investigation.

17. On October 16, 2019, Davis spoke to a DLSC investigator claiming he made a partial payment for transferring the deceased from Las Vegas. A DLSC investigator requested proof of payment numerous times during the course of the investigation (November 22, 2019, August 6, 2020, and September 9, 2020). No proof was ever provided.

18. On May 6, 2021, a DLSC investigator spoke with the complainant who confirmed Davis still owed \$535 for the transferring of the deceased in July 2018.

19. On January 10, 2022, Graceland Cemetery (Cemetery) notified DLSC that Davis has bounced numerous checks to the Cemetery. The Cemetery lost confidence in Davis's ability to pay for burials on behalf of the families and the Cemetery ceased accepting checks from Davis.

19 FDR 020

20. On October 18, 2019, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Burleigh Street) refused to show proof of a burial trust when requested by the family. DLSC subsequently opened Case Number 19 FDR 020 for investigation.

21. JD Davis Funeral Home (Burleigh Street)'s licensed funeral director responded to the complaint and stated that Davis claimed the matter had been resolved and that he had refunded the money to the family.

22. On December 17, 2019, a DLSC investigator requested Davis provide the trust paperwork, bank name, account number, date of deposit or any other proof of the family's funds, as well as, a copy of the cashier's check, a copy of receipts. No response was received. DLSC requested the information again on January 3, 2020, and February 7, 2020.

23. On March 2, 2020, Davis supplied a partial reply. He indicated that the trust was set up through North Milwaukee State Bank, but that bank went out of business, so he redeposited the money in a JD Davis account at UW Credit Union. Davis claims to have remitted a partial payment to the family of \$5,000 out of the \$20,419.06 owed. No documents regarding the burial trust were submitted.

24. On March 31, 2020, and May 19, 2020, the DLSC investigator again requested proof that the full payment was remitted to the family. On May 31, 2020, Davis responded that the family decided to keep their funds with Davis.

25. On September 2, 2021, Milwaukee County filed charges against Davis for felony theft (embezzlement) regarding the above matter in Milwaukee County Circuit Court Case No. 2021 CF 3761.

26. On January 4, 2022, the family confirmed they did not have any documentation regarding the trust agreement with Davis, nor did the nursing home where the policy holder resides, as claimed by Respondent Davis.

27. Respondent Davis provided documentation to the Department that he has paid restitution in Case No. 2021CF 3761 in full.

19 FDR 021

28. On November 20, 2019, the Department received a complaint alleging that Respondent JD Davis Funeral Home (Burleigh Street) failed to provide a headstone purchased in January 2017 and would not provide an itemized statement of funeral services when requested. DLSC subsequently opened Case Number 19 FDR 021 for investigation.

29. On December 11, 2019, DLSC requested a response from Davis regarding this matter, along with any documentation. No response was received.

30. On August 12, 2021, the complainant confirmed that she had still not received the headstone, nor had she been issued a refund for her payment. The complainant also sent the Statement of Funeral Goods and Services Selected which she received after filing this complaint. The Statement was not signed by anyone from JD Davis Funeral Home or a licensed funeral director and was dated December 23, 2016. A review of the documents provided by the complainant shows that she was billed \$746.87 above the services she requested.

31. On August 27, 2021, Davis responded to DLSC stating that the headstone was first ordered from a company that abruptly closed and that he offered to refund the price, but the family had insisted he look for a new vendor to match the quoted price.

32. On September 21, 2021, Davis reimbursed the complainant for \$746.87 and made payment to the cemetery for the installation of the headstone.

33. On November 4, 2021, Davis emailed DLSC to state that the headstone, which was paid for in December 2016, for an at-need burial, arrived at the cemetery. DLSC has not confirmed that the headstone has been installed.

20 FDR 006

34. On May 14, 2020, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Burleigh Street) took more insurance money than the cost of services and failed to provide a headstone. DLSC subsequently opened Case Number 20 FDR 006 for investigation.

35. The complainant provided two Statements of Funeral Goods and Services for services for her mother. Statement A was dated March 28, 2017, for \$12,372.00. Statement A was signed by the complainant and not by JD Davis Funeral Home. Statement B was only signed by Respondent Davis, dated March 29, 2017, and was for \$10,057.

36. Respondent Davis held no credential at the time these statements were created.

37. Statements A and B had the following discrepancies even though they were created one day apart. The price for the casket was lowered by \$700. The price of overtime for Saturday service was lowered by \$250. The price for a limousine was lowered by \$700. Statement A had a \$590 insurance processing fee which was not assessed in Statement B.

38. On March 28, 2017, the complainant created an irrevocable assignment of her mother's life insurance policy with Assurance Funeral Funding, LLC, to be paid to JD Davis

Funeral Home, LLC for \$12,805.02. This form was signed by the complainant and “Virginia Jones.” There is no licensed funeral director in Wisconsin by that name, nor is there anyone associated with JD Davis Funeral Home by that name. This irrevocable assignment was executed on April 5, 2017.

39. On March 30, 2017, another irrevocable assignment of life insurance policy was created with Assurance Funeral Funding, LLC, to be paid to JD Davis Funeral Home, LLC for \$10,409. This was not signed by the complainant but signed again by “Virginia Jones.” This assignment was never executed.

40. Both of these irrevocable assignments were notarized by Jimmy D. Davis Jr. even though as owner of JD Davis Funeral Homes, Jimmy D. Davis Jr. had a direct beneficiary interest.

41. The complainant alleged that Respondent Davis stated that the insurance coverage would be used to buy the headstone.

42. On November 2, 2021, Respondent Davis sent the Department a third version of the Statement of Funeral Goods and Services for this funeral. This statement was identical to Statement B described above with the exception of handwritten charges written on the statement. The handwritten charges for “cemetery” was \$1,374 and “headstone payment” was \$1,374. The total of Statement B with these additions was \$12,805, the exact balance of the life insurance assignment.

43. The headstone which was purchased in March 2017, was not received or installed until on or about July 2021 according to the complainant.

44. In Spring 2019, Respondent Davis arrived at the cemetery with the headstone in a pickup truck. The cemetery refused acceptance of the headstone as it was purchased from a third party rather than from the cemetery. There was an outstanding bill with the cemetery which the complainant states was supposed to be paid for by Respondent Davis. Respondent Davis asserts that the complainant, and not Davis, was responsible for the outstanding cemetery bill. Respondent Davis nonetheless attempted to pay the balance, but his credit card was declined on April 20, 2019.

45. Respondent Davis paid the cemetery \$950 via check on April 26, 2019. This account was found to have insufficient funds on May 8, 2019.

46. The installation company contacted Davis in May of 2019, but Davis did not complete paperwork until October 2019. Davis paid the outstanding cemetery bill in November, 2019.

20 FDR 007

47. On June 19, 2020, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Burleigh Street) quoted the complainant a price of \$1,870 for picking up and cremating the deceased but changed the quote to \$8,500 when notified there

was a burial policy for the deceased. DLSC subsequently opened Case Number 20 FDR 007 for investigation.

48. On May 29, 2020, the complainant alleges she spoke with Respondent Davis regarding picking up and cremating the deceased but no other services. The complainant states she was quoted \$1,870 for those services.

49. The complainant discovered a burial insurance policy worth \$8,500. At her arrangement meeting on June 3, 2020, Respondent Davis had the complainant sign over the burial policy to Respondent Davis and his funeral home via an irrevocable assignment. The paperwork was signed by "Virginia Jones" as the authorized representative of Jimmy D. Davis DBA JD Davis Funeral Home. Respondent Davis notarized the document on June 3, 2020.

50. At the time of this meeting, the Funeral Director in charge was A.J. On March 24, 2022, A.J. told the Department that no one by the name of "Virginia Jones" worked at JD Davis Funeral Homes.

51. The complainant supplied a Statement of Funeral Goods and Services that listed services to total \$8,500, dated June 6, 2020. This statement included charges for embalming (which was never done), other preparation, committal service, hearse, additional mileage, and an additional \$2,619.00. No copy of this Statement was signed by either party.

52. On July 1, 2020, Respondent Davis responded to the complaint. He stated he would honor the quoted price and the second price was necessary for "C&J Financial" to process the policy. Respondent Davis stated that when they received the whole \$8,500 they would then reimburse the difference to the complainant.

53. The irrevocable assignment dated June 3, 2020 was voided by the insurance company and the complainant was paid according to the original quoted price.

20 FDR 011

54. On July 7, 2020, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Burleigh Street) gave one quoted price for funeral services, but that price changed when a life insurance policy was discovered, and documents were forged. DLSC subsequently opened Case Number 20 FDR 011 for investigation.

55. On or about June 26, 2020, the complainant discussed arrangements for her aunt with Respondent Davis. All conversations occurred by phone and text message because the complainant lives in Ohio. The complainant was quoted two prices – \$495 if they received government assistance, and \$1,795 without government assistance.

56. After the above conversation, a life insurance policy was discovered in the amount of \$5,000. The complainant states that at that point, Respondent told her the price for services had changed to \$3,771. Respondent Davis asserts that the price increased because the complainant requested additional services that were not included in the original quote.

57. Respondent Davis contacted the insurance policy company and submitted a signed irrevocable assignment. The paperwork was signed by "Virginia Jones" as the authorized

representative of Jimmy D. Davis DBA JD Davis Funeral Home and was notarized by Respondent Davis on June 30, 2020. The \$5,000 was paid to Respondent Davis on June 30, 2020.

58. At the time of this meeting, the Funeral Director in charge was A.J. On March 24, 2022, A.J. told the Department that no one by the name of "Virginia Jones" worked at JD Davis Funeral Homes.

59. The signature on the insurance assignment appears to be a PDF signature created for the beneficiary, "D.B." On September 2, 2021, D.B. told the Department that Respondent Davis called her to request her full name, date of birth, and Social Security number. Respondent Davis indicated the information was for "taking care of things." D.B. stated to the Department she never gave authorization for Respondent Davis to sign the insurance assignment on her behalf. Respondent Davis denies the allegations and asserts that D.B. provided Davis with her express permission to use her digital signature to process the assignment. Respondent Davis further asserts that D.B. understood and acknowledged that her Social Security number, date of birth, and signature were required to process the necessary paperwork, and she provided the same to Davis with instructions to process the paperwork.

60. No licensed funeral director was present on any phone call involving the services planning for the deceased. The complainant was under the impression Respondent Davis was a licensed funeral director.

61. Respondents embalmed the deceased without permission, as the complainant directed Respondents to perform a direct cremation. The complainant was charged for this embalming. Respondent Davis asserts that he obtained the complainant's oral permission before Respondents performed the embalmment.

62. The complainant told Respondent Davis that she wanted to have her aunt's remains transferred to a different funeral home. Respondent Davis provided the complainant with a Statement of Funeral Goods and Services for embalming and transferring the remains, totaling \$1,885.

63. In response to the Department's investigation, Respondent Davis provided the Department with a Statement of Funeral Goods and Services document that is different from the one provided to the Department by the complainant. In the version provided by Respondent Davis, the signature is electronic and there are markings which indicate that selected items were also made electronically, whereas in the version provided by complainant all markings and signatures were handwritten.

21 FDR 014

64. On October 19, 2021, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Capitol Drive) forged a signature on a life insurance document and overcharged the complainant. DLSC subsequently opened Case Number 21 FDR 014 for investigation.

65. On September 14, 2021, the complainant met with Respondent Davis for funeral service arrangement planning at Respondent JD Davis Funeral Home (Capitol Drive). The complainant viewed the deceased at Respondent JD Davis Funeral Home (Burleigh Street) on one occasion despite the funeral establishment permit being suspended.

66. On September 14, 2021, at the funeral arrangement meeting, Respondent Davis was the only funeral home representative present. Respondent Davis did not have a funeral director apprentice license and therefore could not conduct funeral arrangements.

67. At this meeting, Respondent Davis created a Statement of Funeral Goods and Services which was signed by Respondent Davis for a total of \$7,834. The complainant stated she was quoted \$3,795 for funeral expenses; this is the price that was being advertised on Respondent JD Davis Funeral Home's website. Respondent Davis admitted to the discrepancy in quoted and actual price but claims it is because his prices went up, but his website and general price list had not been updated to reflect his new prices. Respondent Davis told the Department that he honored the \$3,795 price.

68. On September 14, 2021, an irrevocable re-assignment of a life insurance policy for the deceased in the amount of \$7,834 was created to JD Davis. The document was signed by "Virginia Jones" and notarized by Respondent Davis.

69. At the time of this meeting, the Funeral Director in charge was A.J. On March 24, 2022, A.J. told the Department that no one by the name of "Virginia Jones" worked at JD Davis Funeral Homes.

70. Both the Statement of Funeral Goods and Services and the irrevocable assignment of the life insurance policy show that they were signed on September 14, 2021 by complainant and her brother. However, according to complainant, her brother was not present at the meeting and did not sign the documents.

71. During the course of investigating DLSC Case No. 21 FDR 014, the Department discovered that Respondent Davis submitted embalming authorization forms for multiple decedents that were embalmed at Respondents JD Davis Funeral Homes. These authorizations appear to have been signed by funeral director in charge, A.J. On February 24, 2022, A.J. told the Department that the signatures on the forms was not A.J.'s signature.

72. Additionally, the Department discovered that Respondent Davis continued to operate as an apprentice and/or unlicensed funeral director and that the prep room at JD Davis Funeral Home (Burleigh Street) was in continued use despite its license having been suspended. This was admitted by A.J. in a phone conversation with a Department investigator on February 23, 2022.

73. Respondent Davis admitted to providing at least fifteen funeral services for JD Davis Funeral Home clients since his apprentice license renewal was denied.

74. A.J. told the Department that Respondents Davis and JD Davis Funeral Homes have received 151 calls since August 20, 2021. Additionally, 78 embalmings have been conducted at Respondent JD Davis Funeral Home (Burleigh Street). Further, another local

funeral home was permitted to utilize Respondent JD Davis Funeral Home (Burleigh Street) for embalmings after the license was suspended.

75. According to the Milwaukee Medical Examiner's (ME) office, Respondent Davis picked up at least one body to be released to Respondents JD Davis Funeral Homes despite not having active credentials for conducting funeral business after March 8, 2022. On one of the Body Release forms provided by the ME's office, Respondent Davis was identified as a funeral director.

On March 29, 2022, the ME's office emailed the Department and asked if they could resume releasing bodies to Respondent Davis. The ME's office had received an email from Davis with the DSPS change of Licensed Funeral Director in Charge form that Respondent Davis submitted to the Department on March 11, 2022 with the forged signature from M.T. Davis wrote, "They were waiting on a lfd [licensed funeral director] to be put in place." Respondent Davis asserts that M.T. gave him express permission to sign the Licensed Funeral Director in Charge form on M.T.'s behalf. Respondent Davis also asserts that M.T., when signing ME release forms authorizing bodies to be released to JD Davis Funeral Homes, indicated next to his signature on ME release forms that M.T. was signing on behalf of JD Davis Funeral Homes. 22 FDR 009

76. On March 16, 2022, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Capitol Drive) performed a removal of a body and performed an embalming without next of kin authorization while not licensed to do so. The complainant states Respondents will not release the remains without payment of \$3,900. DLSC subsequently opened Case Number 22 FDR 009.

77. The complainant's family member died on March 7, 2022. The complainant contacted the Milwaukee ME's office that same day to perform the removal. On March 8, 2022, the complainant went to the ME's office to authorize the release of the deceased to the funeral home they selected but was informed that the deceased had already been released to Respondents Davis and JD Davis Funeral Homes. When the complainant contacted Respondent Davis, the deceased had already been embalmed. There was no licensed funeral director at JD Davis Funeral Home (Capitol Drive) when the body removal and embalming were performed.

78. Respondent Davis notified the complainants they could only transfer the remains to a new funeral home after he received payment of \$3,900.

79. The deceased was removed from JD Davis Funeral Home (Burleigh Street) on March 23, 2022. The only representative from JD Davis Funeral Home was Respondent Davis at this pick up. The deceased was already embalmed. It is unknown who performed this embalming. The authorization form was not signed by any licensed funeral director.

22 FDR 010

80. On March 27, 2022, the Department received a complaint alleging that Respondents Davis and JD Davis Funeral Home (Capitol Drive) are not answering phone calls regarding cremation services for the complainant's family member which were already paid to Respondents. DLSC subsequently opened Case Number 22 FDR 010.

81. On February 4, 2022, Respondents Davis and JD Davis Funeral Home (Capitol Drive) held services for the complainant's family member. The complainant paid for the deceased to be cremated but has not been able to confirm this has happened or receive the cremains. The deceased passed away on January 20, 2022.

82. The complainant's aunt also passed away on January 20, 2022 and was with Respondent JD Davis Funeral Homes for cremation but the family also has not received cremains or an urn despite paying for services.

83. During this period, the license for the funeral director in charge of Respondent JD Davis Funeral Home (Capitol Drive) was expired.

84. As of April 8, 2022, neither cremains nor urns have been given to these families.

85. In resolution of this matter, Respondents' consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 445.13, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.04(2) by engaging in the business of a funeral director and making a representation to engage in the business of funeral directing without a license.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.105(1) by conducting, maintaining, managing, and operating a funeral establishment that does not have an active permit.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.125(1)(a)1. by failing to keep all payments made under the burial agreement in trust funds, including interest and dividends until occurrence of the death of the potential decedent.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.125(1)(b)1. by failing to deposit all trust funds in a separate account in the name of the depositor, in trust for the beneficiary until the trust fund is released under the conditions of Wis. Stat. § 445.125(1)(a)1.

6. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.125(1)(b)3. by failing to furnish the depositor with a copy of the receipts, certificates or other appropriate documentary evidence showing that the funds had been deposited appropriately.

7. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § FD 2.03(1g)(a) by making funeral arrangements without a licensed funeral director.

8. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § FD 2.03(1g)(b) by embalming a dead human body without a licensed funeral director.

9. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(2) by violating any of the standards of practice set forth in ch. FD 2.

10. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(3) by giving misleading or deceptive information to family or persons involved in the arranging of a funeral of final disposition including, but not limited to, information on: funeral costs, burial agreements, legal requirements or religious propriety.

11. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(5) by failing to comply with a duly authorized request for information by the Board in a timely manner.

12. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(5) by falsifying records of any kind which are requested by the board.

13. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) by providing services of funeral directing which fall below the minimal standards established by statute, rule, or practice within the profession.

14. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(8) by performing services or providing merchandise not authorized for which charges are made.

15. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(9) by engaging in misleading and deceptive conduct in the conduct of business or the profession.

16. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(10) by failing to demonstrate respect for the sanctity of human remains or for the feelings of individuals involved in the grieving process.

17. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(11) by failing to provide the depositor, within 15 working days of receipt of a payment, written confirmation of receipt and deposit of payment made pursuant to a funeral trust agreement.

18. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(15) by failing to transfer control over burial trust funds pursuant to the depositor's written request.

19. By the conduct described in the Findings of Fact, Respondents exercised unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(17) by violating or attempting to violate any term, provision, or condition of any order of the board.

20. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 445.13(1) and 445.105(4).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jimmy D. Davis Jr.'s funeral director apprentice license (no. 5543-700) is REVOKED.
3. Respondent JD Davis Enterprises LLC DBA JD Davis Funeral Home (Burleigh Street)'s right to renew its funeral establishment permit (no. 2653-78) is SUSPENDED indefinitely, beginning 10 days from the date of this Order.
4. Respondent JD Davis Enterprises DBA JD Davis Funeral Home (Capitol Drive)'s right to renew its funeral establishment permit (no. 2757-78) is SUSPENDED indefinitely, beginning 10 days from the date of this Order.
5. Respondent Jimmy D. Davis Jr. shall also pay the COSTS of these matters in the amount of \$25,000 by making payments of no less than \$520.84 per month until the costs are paid in full. Payments shall be made on the 15th day of each month, beginning one (1) month after the date of this Order, with subsequent payments due on the 15th day of each subsequent month until costs are paid in full.
6. If the Department does not receive a payment of \$520.84 or more on or before the 15th of the month, the entire remaining balance of the costs will be due on the 15th of the month following the month of missed payment. If the remaining balance is not paid by that due date, interest shall accrue at the statutory rate of 12%, pursuant to Wis. Stat. § 440.22(2).
7. Respondent Jimmy D. Davis Jr. may petition the Board for termination of the above suspension of the Burleigh Street (2653-78) and/or Capitol Drive (2757-78) funeral establishment permits provided the following the conditions have been met:
 - a. Full payment of the costs in this matter.
 - b. Respondent Davis has been discharged from probation in Milwaukee County Circuit Case Nos. 21 CF 3761 and 22 CF 3342, or, if Respondent Davis's probation was revoked, completion of the sentence ordered after revocation.
8. Any such petition submitted under paragraph 7. shall include the following:
 - a. Documentation showing Respondent Davis has been discharged from probation in Milwaukee County Circuit Case Nos. 21 CF 3761 and 22 CF 3342, or, if Respondent Davis's probation was revoked, documentation that he has completed the sentence ordered after revocation.

- b. Any additional rehabilitative evidence Respondent Davis wishes to provide, such as education, community service, evidence of no new criminal charges or convictions, letters of recommendation, etc.

9. In the event Respondent Davis petitions the Board for termination of the above suspension, the Board may grant or deny any petition, in its discretion. The Board may also determine under what terms and conditions any petition may be granted. Denial of such a petition in whole or in part shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code Ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

10. The Department will not consider an application from Respondent Davis for any credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, or a petition to terminate the above suspension, until full payment of the costs of this matter has been satisfied.

11. Any submissions, including payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov


Respondents may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

12. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 5543-700, 2653-78, and 2757-78), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

13. This Order is effective on the date of its signing.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:


A Member of the Board

2/13/2024

Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JIMMY D. DAVIS JR., JD DAVIS	:	
ENTERPRISES LLC DBA JD DAVIS FUNERAL	:	
HOME, AND JD DAVIS ENTERPRISES	:	ORDER0008978
DBA JD DAVIS FUNERAL HOME,	:	
RESPONDENTS.	:	

Division of Legal Services and Compliance Case Nos. 19 FDR 009, 19 FDR 020, 19 FDR 021, 20 FDR 006, 20 FDR 007, 20 FDR 011, 21 FDR 014, 22 FDR 009, and 22 FDR 010

Respondents Jimmy D. Davis Jr., JD Davis Enterprises LLC DBA JD Davis Funeral Home, and JD Davis Enterprises DBA JD Davis Funeral Home and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
 - the right to a hearing on the allegations against Respondents, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondents;
 - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
 - the right to testify on Respondents' own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondents are represented by Attorney Michael G. Heller.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Funeral Directors Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

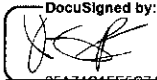
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DocuSigned by:

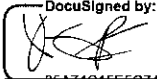


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Jimmy D. Davis Jr., Respondent
Milwaukee, WI 53210
Credential No. 5543-700

1/23/2024

Date

DocuSigned by:



35A74C15E5C74B7...
JD Davis Enterprises LLC DBA JD Davis Funeral Home, Respondent
By: Jimmy D. Davis Jr., Owner
Milwaukee, WI 53210
Credential No. 2653-78

1/23/2024

Date

DocuSigned by:



35A74C15E5C74B7...
JD Davis Enterprises DBA JD Davis Funeral Home, Respondent
By: Jimmy D. Davis Jr., Owner
Milwaukee, WI 53216
Credential No. 2757-78

1/23/2024

Date

DocuSigned by:

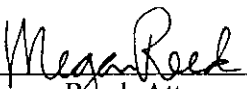


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Michael G. Heller, Attorney for Respondents
Heller Law Offices, LLC
1031 N. Astor St.

1/23/2024

Date

Milwaukee, WI 53202-3324



Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

01/23/2024

Date